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*Attorneys for Bombardier Aerospace Corporation,
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IN THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

IN RE:

ZETTA JET USA, INC., a California corporation,
Debtor and Debtor in Possession.

Lead Case No.: 2:17-bk-21386-SK

Jointly administered with:
2:17-bk-21387-SK
(Zetta Jet PTE Ltd.,
a Singaporean corporation)

IN RE:

ZETTA JET PTE Ltd., a Singaporean corporation,
Debtor and Debtor in Possession.

CHAPTER 7 CASES

ADV. PRO. NO. 2:19 AP 01382-SK

JONATHAN D. KING, solely in his capacity
as Chapter 7 Trustee of Zetta Jet USA, Inc. and
Zetta Jet PTE, Ltd.,

Plaintiff,

v.

**BOMBARDIER AEROSPACE
CORPORATION, BOMBARDIER,
INC. AND LEARJET, INC.’S
APPLICATION AND MOTION TO
FILE UNREDACTED MOTION TO
DISMISS FIRST AMENDED
ADVERSARY COMPLAINT AND
EXHIBITS UNDER SEAL**

JETCRAFT CORPORATION, JETCRAFT
GLOBAL, INC., JETCOAST 5000-5 LLC, ORION
AIRCRAFT HOLDINGS LTD., JETCRAFT ASIA
LIMITED, FK GROUP LTD, FK PARTNERS
LIMITED, JAHID FAZAL-KARIM,
BOMBARDIER AEROSPACE CORPORATION,
BOMBARDIER, INC., and LEARJET, INC.

Date: TBD
Time: TBD
Place: Courtroom 1575
255 East Temple Street
Los Angeles, CA 90012
Judge: Hon. Sandra R. Klein

MOTION TO FILE UNDER SEAL MOTION TO DISMISS AND EXHIBITS

Defendants.

**TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY JUDGE,
AND TO PLAINTIFF’S COUNSEL OF RECORD:**

On September 7, 2021, Bombardier Inc., Bombardier Aerospace Corporation, and Learjet Inc. (collectively, “Bombardier”) filed their *Motion to Dismiss Counts 1-3, 6-7, 12-20, 25, 31-32 of First Amended Adversary Complaint*¹ (the “Motion to Dismiss”). Because portions of the Motion to Dismiss and certain of the exhibits submitted in support thereof contain materials previously designated as confidential under the Stipulated Protective Order (Dkts. 143, 145), Bombardier hereby submits this Application and Motion for Leave to File Unredacted Motion to Dismiss First Amended Adversary Complaint and Exhibits (the “Motion to Seal”) and will deliver redacted and unredacted versions of the Motion to Dismiss and exhibits thereto consistent with the Stipulated Protective Order and the Court’s comments at the February 17, 2021 status hearing.

This Court previously granted a motion to seal portions of the Trustee’s Proposed Consolidated Amended Complaint and First Amended Adversary Complaint and Redline and exhibits thereto in this action. *See* Dkts. 253, 262. Likewise, the Court previously granted a motion to seal portions of the Complaint filed in the related adversary proceeding styled *King v. Cavic Aviation Leasing (Ireland) 22 Co. Designated Activity Company*, Case No. 2:19-ap-01147-SK (the “Cavic Proceeding”). *See* Cavic Proceeding Dkt. 126.

Bombardier now moves pursuant to the Stipulated Protective Order, as well as LBR 5003-2 and the Court Manual § 2.8(b), in accordance with the Court’s prior order in the Cavic Proceeding (Cavic Proceeding, Dkt. 88), to file the unredacted Motion to Dismiss and certain exhibits submitted therewith under seal, and that only redacted versions be filed on the public docket. Further, Bombardier respectfully requests that the Court prohibit parties who receive sealed, unredacted documents from

¹ Capitalized terms not defined herein have the meanings set forth in the Motion to Dismiss, filed contemporaneously herewith.

1 republishing those documents or the confidential data contained therein in any way. Sealing is
2 appropriate for the reasons set forth below and in the accompanying declaration from Bill Hantzis,
3 dated September 7, 2021 (“Hantzis Declaration”).

4 Through this Motion to Seal, Bombardier seeks to redact confidential and commercially
5 sensitive information contained in: (a) the Motion to Dismiss; (b) the Aircraft Purchase Agreements
6 for Planes 12-15 between Bombardier Aerospace Corporation and Yuntian 4 Leasing Company
7 Limited, attached to the Declaration of Eric Fishman, dated September 7, 2021 (“Fishman Decl.”) as
8 Exs. E-H (the “Plane 12-15 APAs”); and (c) the Agreements for Payment of a Commission or Fee on
9 the Sale of an Aircraft for Planes 2-5, attached to the Fishman Decl. as Ex. M (the “Plane 2-5
10 Representative Agreements”). Bombardier has limited the redactions to the minimum necessary to
11 protect information relating to pricing, payments, sales commissions, and key competitive contractual
12 terms, that, if publicly disclosed, would give Bombardier’s competitors and other industry participants
13 an unfair competitive advantage and otherwise undermine Bombardier’s commercial activities and
14 market positions.

15 All of the proposed redactions fit into categories of commercially sensitive information that
16 the Court already authorized could be redacted and sealed, including: (a) the price of aircraft; (b)
17 payment schedules; (c) delivery schedules; (d) the process for inspection and acceptance of the aircraft;
18 (e) the consequences of delivery delays; (f) the party that bears the risk of delays from regulatory
19 changes; (g) what constitutes “excusable” and “non-excusable” delay; (h) interest for any late
20 payments; (i) termination; (j) remedies, including liquidated damages, in the event of termination; (k)
21 the right of the manufacturer to deliver, and the purchaser to accept, an aircraft with “open delivery
22 items” (“ODIs”) that must be addressed after delivery; (l) the time for addressing any such ODIs; (m)
23 the regulatory authorities that must issue certificates of airworthiness; (n) the delivery location; (o) the
24 entities to which a purchase and sale contract may (and may not) be assigned; (p) warranty terms and
25 conditions; (q) aftermarket support terms and conditions; (r) training of customer’s personnel; (s)
26 completion specifications; and (t) commissions to sales representatives. *See* Dkts. 253, 262.

1 *First*, the limited redactions to the Motion to Dismiss pertain to confidential and commercial
2 sensitive information that the Court has previously sealed in this action. *See* Dkts. 200, 262. As these
3 redactions were previously authorized by this Court, the Court should again permit such information
4 to be redacted and sealed.

5 *Second*, the proposed redactions to the Plane 12-15 APAs seek to protect confidential and
6 commercially sensitive information that are substantively identical or similar to redactions the Court
7 has already approved with respect to the APAs relating to Planes 1-5 and 8-9 which were filed as
8 exhibits to the First Amended Complaint. *See* Dkts. 207, 262. Because the redactions to the Plane 12-
9 15 APAs are consistent with prior redactions to the Plane 1-5 and 8-9 APAs the Court previously
10 authorized, the Court should again permit such information to be redacted and sealed.

11 *Third*, the proposed redactions to the Plane 2-5 Representative Agreements concern
12 commissions to sales representatives identical to the redactions previously authorized in connection
13 with the filing of the First Amended Complaint and the exhibits thereto. *See* Dkts. 207, 262. The
14 redactions are conceptually the same as the redactions this Court previously authorized, thus, the Court
15 should again permit such information to be redacted and sealed.

16 **WHEREFORE**, for the reasons set forth above and in the Hantzis Declaration, Bombardier
17 respectfully requests that the Court grant the Motion to Seal. Jetcraft does not object and the Trustee
18 does not object to the proposed redactions or this sealing motion at this time.

19 Dated: September 7, 2021

PILLSBURY WINTHROP SHAW PITTMAN LLP

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Inc.*

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PROOF OF SERVICE OF DOCUMENT

In re: Zetta Jet USA, Inc., ADV. PRO. NO. 2:19 AP 01382-SK

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **501 West Broadway, Suite 1100, San Diego, California 92101.**

A true and correct copy of the foregoing document entitled (*specify*): **(1) Bombardier Aerospace Corporation, Bombardier, Inc. and Learjet, Inc.'s Application and Motion to File Unredacted Motion to Dismiss First Amended Adversary Complaint and Exhibits Under Seal; and (2) Declaration of Bill Hantzis in Support of Bombardier Aerospace Corporation, Bombardier, Inc. and Learjet, Inc.'s Application and Motion to File Unredacted Motion to Dismiss First Amended Adversary Complaint and Exhibits Under Seal** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On September 7, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Kristina S Azlin kristina.azlin@hklaw.com, ericka.mendez@hklaw.com
Brian K Condon Brian.Condon@arnoldporter.com
Aaron S Craig acraig@kslaw.com, mtunson@kslaw.com;eripley@kslaw.com;mciatti@kslaw.com
John K Lyons john.lyons@us.dlapiper.com, john-lyons-7790@ecf.pacerpro.com
Andrew Troop andrew.troop@pillsburylaw.com
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
Matthew S Walker matthew.walker@pillsburylaw.com, renee.evans@pillsburylaw.com,
docket@pillsburylaw.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) September 7, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) September 7, 2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

September 7, 2021 Renee Evans

Date

Printed Name

/s/ Renee Evans

Signature